

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

L. DARLENE JACOBS, and)
L. DARLENE JACOBS as next friend)
and guardian to TIMOTHY M. NORRIS,)

Plaintiffs,)

v.)

ROOFING SUPPLY OF NASHVILLE,)
LLC, ROOFING SUPPLY OF)
TENNESSEE, LLC, ROOFING SUPPLY)
GROUP, LLC and BENEFIT)
CONSULTING SERVICES, INC.,)

Defendants.)

NO. 3:08-00349
JUDGE HAYNES

ORDER

In accordance with the Memorandum filed herewith, the Court rules on the following motions as follows:

Docket Entry No. 36 - The motion for judgment on the pleadings filed by Defendants RSNashville, RSTennessee, and RSG is **GRANTED**. Counts II & III of the Second Amended Complaint are **DISMISSED** with prejudice as to Defendants RSTennessee and RSG.

Docket Entry No. 38 - The motion to dismiss or, in the alternative, motion for judgment on the pleadings filed by Defendant Benefit Consulting is **DENIED**.

Docket Entry No. 60 - The supplemental motion to dismiss filed by Defendant Benefit Consulting is **GRANTED** in part and **DENIED** in part. Count V of the Second Amended Complaint is **DISMISSED** with prejudice as to Defendant Benefit Consulting.

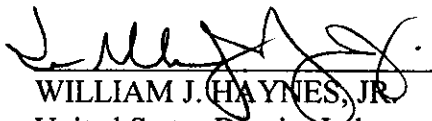
Docket Entry No. 64 - The supplemental motion for judgment on the pleadings filed by Defendants RSNashville, RSTennessee, and RSG is **GRANTED** in part and **DENIED** in part. Count VI of the Second Amended Complaint is **DISMISSED** with prejudice as to Defendants RSTennessee and RSG.

Docket Entry No. 50 - Plaintiffs' motion for leave to conduct discovery is **GRANTED**.

The remaining claims in this action from the Second Amended Complaint are Count I against Defendant RSNashville, Counts II & III against Defendant Benefit Consulting, Count IV against Defendant RSNashville, Count V against Defendants RSTennessee and RSG, and Count VI against Defendant Benefit Consulting.

It is so **ORDERED**.

ENTERED this the 30th day of March, 2009.


WILLIAM J. HAYNES, JR.
United States District Judge